

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CECIL McBEE,

Plaintiff

v.

DELICA CO., LTD.,

Defendant

Civil No. 02-198-P-C

**ORDER AFFIRMING THE RECOMMENDED
DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on April 14, 2003, with copies to counsel, his Recommended Decision on Defendant's Motion to Dismiss (Docket Item No. 21). Defendant filed its objection thereto on April 28, 2003, (Docket Item No. 24), to which objection Plaintiff filed his response on May 12, 2003 (Docket Item No. 26). On May 15, 2003, Defendant filed a motion to strike Plaintiff's memorandum in response to Defendant's objection to the Recommended Decision (Docket Item No. 30), to which motion Plaintiff filed his response on May 30, 2003 (Docket Item No. 31). Defendant filed its reply to Plaintiff's response on June 10, 2003 (Docket Item No. 32). Defendant's request for a hearing on its objection to the Recommended Decision, filed on April 28, 2003 (Docket Item No. 25) and Defendant's motion to strike Plaintiff's memorandum in response to Defendant's objection to the Recommended Decision (Docket Item No. 30) have this date been ruled upon by endorsement.

This Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and, having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision, concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision and **ORDERS** as follows:

- (1) Defendant ' s objection to the Recommended Decision is hereby **DENIED**;
- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;
- (3) Defendant's Motion to Dismiss is hereby **DENIED**.

GENE CARTER
Senior United States District Judge

Dated at Portland, Maine this 9th day of July, 2003.

Plaintiff

CECIL MCBEE

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